



IN THE
Supreme Court of the United States

OCTOBER TERM 1979

No. 79-807

ROBERT PEER, Director of the Department of Public Welfare of
the County of San Diego; and TOM HAMILTON, LUCILLE MOORE,
ROGER HEDGECOCK, JIM BATES, and PAUL ECKERT, as individual
members of the San Diego County Board of Supervisors,
Petitioners,

v.

NANETTE GRIFFETH, JOHN TEBO, and MILDRED TEBO, AND ALL
OTHERS SIMILARLY SITUATED,
Respondents.

REPLY BRIEF OF PETITIONERS

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TOPICAL INDEX

	Page
THE DECISION OF THE COURT OF APPEALS DOES CONFLICT WITH ZOBRISCKY v. LOS ANGELES COUNTY	1
THE RIGHTS OF APPLICANTS DENIED PUBLIC BENEFITS SHOULD BE DECIDED BY THIS COURT	2

TABLE OF AUTHORITIES

	Page
<i>Griffeth v. Detrich</i> (1979) 603 F.2d 118, 121	1, 2
<i>Zobriscky v. Los Angeles County</i> (1972) 28 Cal.App.3d 930	1, 2

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I

THE DECISION OF THE COURT OF APPEALS DOES CONFLICT WITH ZOBRISKY v. LOS ANGELES COUNTY.

Respondents contention that the decision of the Ninth Circuit (*Nanette Griffeth v. Homer Detrich*, [9th Cir. 1979] 603 F.2d 118) does not conflict with *Zobriscky v. Los Angeles County* (1972) 28 Cal.App.3d 930 is contradicted by the very language of the Ninth Circuit.

The court states:

"The district court followed *Zobriscky v. Los Angeles County* (1972) 28 Cal.App.3d 930, 105 Cal.Rptr. 121 (1972), a state court decision *which refused to find general relief to be a protected property interest.*" (*Nanette Griffeth v. Homer Detrich supra* 603 F.2d 118, 121). (Emphasis added.)

Thus, both the District Court below and the Court of Appeals view *Zobriscky* as holding that an applicant for general relief has no property interest in such benefits.

II

THE RIGHTS OF APPLICANTS DENIED PUBLIC BENEFITS SHOULD BE DECIDED BY THIS COURT.

Respondent states that the only ground raised by petitioners for granting certiorari is the conflict between the Ninth Circuit decision and the decision of the State Court of Appeal in *Zobriscky*, (Respondent's Brief p. 2). While this conflict is certainly material to the issue of granting certiorari, it is not the only reason for doing so nor is it the petitioners' sole ground for petitioning.

As stated in the petition, the Supreme Court has never ruled on the issue of whether procedural due process applies to applicants denied public benefits. Due to the importance of this issue and the contradictory case law, the petition should be granted.

Dated:

Respectfully submitted,
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By

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CERTIFICATE OF SERVICE

I hereby certify that on February 28, 1980 three copies of the
Reply Brief of Petitioners were mailed, postage prepaid, to each
of the following named persons:

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I further certify that all parties required to be served have
been served.

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